IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3759 of 2007

Mr.Mohd. Yunus Asgarali Farooqui .. Petitioner

versus

Shri Haidorali Asgarali Farooqui .. Respondent

...

Ms.Anita Bhaktwani for the petitioner.

Mr.M.B. Kale i/b Kailas Dewal for the respondent.

CORAM : D.G. KARNIK, J

DATED : 30th August 2007.

P.C.:

1. Heard counsel for the parties.

2. The impugned order is an interlocutory order. It permits the petitioner plaintiff to adduce evidence in rebuttal of the defendants evidence but only to the extent indicated in the order. In such interlocutory matters it would be inappropriate to entertain the Writ Petition and stay the suit. If the writ petition is admitted without staying hearing

of the suit, it would not serve any purpose. If the suit is stayed it would cause unnecessary delay and such course must be avoided. Hence either way no useful purpose would be served.

3. The petitioner plaintiff would be at liberty to challenge the impugned order which is interlocutory in nature in an appeal against the final decree if it is adverse to him.

4. In the circumstances, Writ Petition is rejected summarily.

(D.G. KARNIK, J)